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| 34070 7590 09/05/2008 K.P. CORRELL AND ASSOCIATES, L.L.P. 270 BELLEVUE AVE., #326 NEWPORT, RI 02840 | | | | |
| EXAMINER | | | | |
| VO, DON NGUYEN | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2611 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/811,006

Applicant(s)

WILSON ET AL.

Examiner

Don N. Vo

Art Unit

2611

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 13-18 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9, 11, 13-18 and 24 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 22 and 23 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Acknowledgment

1. This Office Action is responsive to the Amendment filed on 06/07/2008.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Zscheile, Jr. et al (US 4,225,935).

Regarding claims 1 and 2, Zscheile, as shown in figures 2-4, teaches a system for generating a plurality of relatively prime composite PN codes and wherein each of codes are separated by a predetermined PN phase. See also column 1, lines 26-43; column 2, lines 20-25; column 2, line 53 to column 6, line 28; and column 7, lines 4-13.

Regarding claim 3, Zscheile further teaches delayer (fig. 2: 58, 60, 62 and fig. 4: 68, 70, 72) coupled to the PN generators.

Regarding claims 7 and 8, Zscheile further teaches MAJ and MOD logic. See column 1, lines 26-68.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zscheile, Jr. et al (US 4,225,935).

Regarding claim 4, Zscheile teaches all subject matter claimed except for further comprising four PN component code generators. However, it is just a mere duplication of the generators and it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Zscheile by implementing or providing more PN component code generators

since it is just a mere duplication of elements and such modification would not involve any inventive feature.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zscheile, Jr. et al (US 4,225,935) in view of Kartchner et al (US 4,638,494; art of record) or Abrahamson et al (5,022,049; art of record).

Regarding claim 6, Zscheile teaches all subject matter claimed except for further teaching that the logic combiner comprises MAND logic combiner. However, Kartchner or Abrahamson, from the same field of endeavor, teaches composite PN codes generator using the logic combiner of the MAND type. See Kartchner: figures 1A-2B and Abrahamson: figures 1, and 3-5. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Zscheile et al by using the MAND logic combiner as taught by Kartchner et al or Abrahamson et al so that the composite codes can be generated with a desired correlation properties and thus, enhancing fast acquisition of the composite codes.

8. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zscheile, Jr. et al (US 4,225,935) in view of Keller et al (US 7,321,609).

Regarding claims 22 and 23, Zscheile teaches all subject matter claimed except for implementing the method onto a program storage device readable by a machine and using Very High Speed Integrated Circuit (VHSIC) Hardware

Description Language (VHDL) file. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Zscheile by implementing the method carried out by the invention of Zscheile onto a program storage device readable by a machine since it is just a matter of implementing the method onto a computer readable medium and Very High Speed Integrated Circuit (VHSIC) Hardware Description Language (VHDL) file is just a computer language and such implementation would not involve any inventive feature according to the computerized technology at the time of invention. See Keller: column 9, lines 19-25.

Allowable Subject Matter

9. Claims 9, 11, 13-18 and 24 are allowed over prior art of record.
10. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

11. Applicant's arguments with respect to claims 1-4, 6-8, 22 and 23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Don N. Vo whose telephone number is (571) 272-3018. The examiner can normally be reached on Mon-Fri (9:00AM - 6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MOHAMMAD GHAYOUR can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Don N. Vo/
Primary Examiner, Art Unit 2611